

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL MEMORANDUM

SB 1715 – HB 1892

May 4, 2009

SUMMARY OF AMENDMENT (006254): Deletes all language after the enacting clause. Creates the Judicial Nominating Commission and the Judicial Performance Evaluation Commission to replace the Judicial Selection Commission and the Judicial Evaluation Commission. The newly created Commissions shall terminate on June 30, 2014. The Speaker of the Senate and the Speaker of the House of Representatives shall each appoint eight members, two from each of the three grand divisions and two at-large members, with at least six members being lawyers. The Speakers shall appoint one at-large member jointly. The jointly appointed at-large member cannot be from the same state grand division of the four at-large members appointed individually by the Speakers. Effective July 1, 2009, the membership of the Judicial Selection Commission shall be replaced pursuant to this act. The initial terms of the new members will be staggered with four of the Senate Speaker's appointments, four of the House Speaker's appointments, and the joint appointment having a term of two years. The remaining eight members will have an initial term of four years each. Requires each member to be a United States citizen, at least 30 years of age, and a citizen of Tennessee for at least five years prior to appointment. Requires any member appointed from one of the grand divisions to have been a resident of that grand division for at least one year immediately prior to appointment.

No member of the Commission can be a registered lobbyist in Tennessee. Reduces from six to four years the length of term for Judicial Nominating Commission members. Automatically vacates the office of any member of the Commission who misses four meetings during the member's term of office. Requires the Commission to conduct its deliberations in public after the private interviews with judicial vacancy candidates have been concluded. Authorizes the Tennessee Bureau of Investigation (TBI) to perform a Level II security clearance on possible nominees at the direction of the Governor. Requires the Governor, to fill a vacancy that occurs in the office of an appellate court after July 1, 2009, within 60 days. Requires the Governor after receiving the Commission's nominees for vacancies, to direct the TBI or other appropriate agencies to perform financial and criminal background investigations of the nominees. Reduces from 12 to nine, the membership of the Judicial Performance Evaluation Commission.

FISCAL IMPACT OF ORIGINAL BILL:

MINIMAL

A more precise cost estimate is not possible because the Administrative Office of the Courts has not provided any information to assist in the preparation of this fiscal note.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

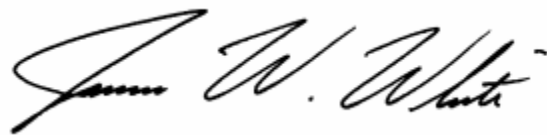
Decrease State Expenditures - \$24,800

Assumption applied to amendment:

- According to the Administrative Office of the Courts, the costs associated with the Judicial Evaluation Commission for 2007 were \$148,898.92 and \$50,039.39 for 2008 resulting in a two-year average of \$99,469.16. The two-year average per member cost is \$8,289.10 ($\$99,469.16 / 12 = \$8,289.10$). Reducing the membership from 12 to nine members will result in an average decrease in state expenditures of \$24,867.30 ($\$8,289.10 \times 3$ members).

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc